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TAGS: [PGOV](#) [CASC](#) [MARR](#) [SU](#) [CG](#) [UG](#)
SUBJECT: SUDAN/UGANDA/DRC: LAWYER BRIEFS LRA,S KONY ON ICC

REF: KHARTOUM 2694

Classified By: P/E CHIEF ERIC WHITAKER FOR REASON: 1.4(b) and (d)

¶1. (C) Ugandan human rights lawyer Barney Afako held a detailed one-hour discussion with LRA leader Joseph Kony November 14 about the role of the International Criminal Court (ICC) and the legal consequences of ICC indictments. Afako is a consultant to the UN mediation team assisting peace talks between the Government of Uganda (GOU) and the Lord's Resistance Army (LRA). Afako said Kony, accompanied by LRA second-in-command Vincent Otti, listened intently to his explanations, but asked few questions. Kony, Otti, and two other LRA commanders are under indictment by the ICC for mass murder and other crimes. Afako described his conversation with Kony and Otti to Poloff on November 16.

¶2. (C) During the current peace talks, LRA representatives have repeatedly pressed for removal of the ICC indictments. This is the first occasion, however, Kony has been presented with a detailed and neutral explanation of the ICC issue, Afako believes.

¶3. (C) Although the Government of Uganda (GOU) brought the case to the ICC, it has no power to direct that the indictments be lifted, Afako explained to the two LRA leaders. The ICC is a powerful court with broad international support, he added. However, it does not have exclusive jurisdiction over the acts of the LRA and others in northern Uganda. He advised Kony and Otti to remain engaged in the peace process, and stressed that positive steps by the LRA toward ending the war would be viewed favorably by the ICC and the broader international community. Afako also explained that the parties to the current negotiations had agreed in principle on the concept of "alternative justice," but that this concept had yet to be defined. At the end of their conversation, Kony indicated he wanted to reflect on what he had heard and discuss the issues further at a follow-on meeting.

¶4. (SBU) Afako accompanied UN Under Secretary General Jan Egeland to the Sudan-DRC border November 13. He and two UN officials remained behind after Egeland's brief visit for further consultations with LRA leadership.

¶5. (SBU) Meanwhile, the senior UN official in Juba informed donors November 17 that the UN will set up a "more permanent camp" at Nabanga, the village 8-9 kilometers away from the LRA's Ri-Kwangba assembly point at the Sudan-DRC border. According to UN OCHA chief David Gressly, the camp will facilitate more direct consultations between negotiators and LRA leadership, and possibly the provision of humanitarian assistance to the LRA in the assembly area. Those returning from Ri-Kwangba describe the situation there as fairly dismal. There are significant quantities of food on hand, loosely monitored by the SPLA. Much of it is exposed to the elements, however, and some of it is rotting. The UN is also

pressing to set up programs to provide humanitarian support to women and children in the area. There is no agreement yet from the LRA to allow these programs, but Gressly reports "positive indications so far." He said OCHA is running out of funds to support the peace talks and called on donors to follow up their pledges with actual transfers of cash.

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